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SUBJECT: UNESCO: CULTURAL DIVERSITY CONVENTION ADVANCES  
ONE STEP CLOSER TO FINAL ADOPTION

Refs: a) State 179138 and b) Paris 6534

11. (U) Summary. On September 29, 2005, in a lopsided vote in which the U.S. again stood alone, the UNESCO Executive Board meeting in plenary session adopted a decision recommending that the General Conference consider and in effect formally adopt as a UNESCO convention the preliminary draft text of the cultural diversity convention. While the Board's decision does not bind the General Conference to adopt the convention when it meets between 3-21 October, it nonetheless provides an unhelpful impulse towards such adoption. The Board's action could also complicate high-level USG efforts during the interim to persuade some UNESCO member States to agree to postpone adoption of the convention in October to allow further negotiations on key provisions we consider still seriously flawed. The high marks the U.S. received for the procedural skill and reasonableness shown in pressing our case during the plenary has been noted by some delegations as contrasting with the boorish and inflexible performance of the UK and the EU. End Summary.

12. (U) The Executive Board's September 29 plenary action on the draft decision followed on the September 23rd consideration of that draft in the Program and External Relations Commission. At the Commission, as per instructions, the U.S. called for an unprecedented roll-call vote on paragraph 6 (ref B), seeking to remove it in its entirety from the draft decision). (See the Ambassador's intervention posted at the U.S. Mission's website). That paragraph "recommends that the General Conference at its 33rd session consider the said preliminary draft as a draft convention and adopt it as a UNESCO convention."

13. (U) At the Executive Board's plenary session, per Ref A instructions, we moved that "no action" be taken on the entire draft decision. However, the motion failed to carry by a vote of 55 against and 1 (the U.S.) for. (Australia voted against our motion, explaining later that it did so out of respect for decisions that have been adopted by the Commission). We then sought to amend paragraph 6 so that the final clause would read "consider adopting it as a UNESCO convention" in an effort to weaken the text. Brazil countered with a motion that "no action" be taken on the U.S. proposed amendment. That fed into what became a protracted, somewhat acrimonious debate about substance and procedure. Several delegations (Afghanistan, Indonesia, Japan, Australia) indicated in various ways that the U.S. proposed amendment may not be all that bad. The debate, however, ended only when the U.S. withdrew its amendment and asked for an up or down vote on the draft decision. This gesture drew spontaneous applause, later confirmed by expressions of gratitude from a number of delegations. The vote count was 53 in support of the draft decision, 1 opposed (the U.S.), two abstentions (Australia and Jamaica), and two delegations absent (Bangladesh and Kenya). (Jamaica's abstention was due largely to confusion and should not be seen as a well-considered abstention).

14. (U) The Ambassador delivered an EOY drawing from the Department's guidance. Before delivering the EOY, however, the Ambassador rebuffed a comment from the Canadian Ambassador who said the draft decision should send a "political message" to the General Conference demonstrating the need for prompt adoption of the convention. Our rejoinder was that the true political message that we had intended to send by our proposed amendment is that this convention raises complex issues that deserve further scrutiny by all concerned and should not be adopted hurriedly.

15. Comment. At the end of the procedural maneuvers and debate, the mood in the room among other delegations was surprisingly one of gratitude toward the U.S. but surprise and disappointment at the UK and the EU for having shown impolitic rigidity toward the U.S. proposed amendment. It turns out that a number of delegations saw the amendment as a possible way of achieving a consensus result on the draft decision without either us or the convention's proponents giving in to the other before the General Conference. In any event, our persistence has helped to heighten awareness

that the U.S. is far from giving up, is prepared to leave no stones unturned, and is not prepared to simply walk away mildly from this fight. As we fast approach the General Conference, very heavy lifting will be required if we are to have any chance of securing a genuine opportunity for further discussions that could cure major defects still inherent in the cultural diversity convention text. End Comment.

Oliver